

PRD 980,594,709

MAY 18 1988

Mr. Jose Cepeda
P.O. Box 13486
Santurce, Puerto Rico 00908

Dear Mr. Cepeda:

As you know, on May 24, 1988 representatives from the Municipal Dump of Ponce ("Ponce facility"), namely Browning-Ferris Industries ("BFI"), and the Environmental Protection Agency ("EPA") are meeting to discuss the status of the Ponce facility. Accordingly, the purpose of this letter is threefold. First, this letter confirms the upcoming meeting. Second, it sets forth the agenda of the meeting. And last, it sets forth the documentation EPA will need to see, and how it must be presented, in order to make any determinations regarding the Ponce facility.

First, EPA is looking forward to meeting with the representatives of BFI on May 24, 1988 at 10:00 A.M. in New York City at 26 Federal Plaza, Room 437E.

Second, EPA plans on addressing the following issues during the May 24, 1988 meeting:

1. The interim status of the landfill;
2. The interim status of the co-disposal area; and
3. BFI's compliance with the Resource Conservation Recovery Act of 1976 ("RCRA"), as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA") and the regulations promulgated thereunder.

Third, to effectively discuss the issues set forth above, EPA expects BFI to provide it with the following information at the meeting:

1. A demonstration through documentation (e.g., aerial photos, boring logs, maps and certified construction diagrams), presented in a clear and coherent fashion, that the landfill never received any "hazardous waste," as that term is defined in 40 C.F.R. Part 261.

2. Chemical and Environmental Conservation Systems, Inc. ("CECOS"), which formerly operated the Ponce facility, submitted the following information to EPA to demonstrate that the Ponce facility had received hazardous waste prior to November 19, 1980 and should, therefore, be granted interim status:
 - a. a May 26, 1982 letter from James F. LaDue, Vice President of CECOS, to Dr. Ernest Regna of EPA stating that it has "been duly noted by the EQB that this facility (CECOS) has been receiving industrial wastes, both hazardous and non-hazardous for decades ... throughout the entire site.";
 - b. a June 9, 1982 letter from Mr. LaDue to Dr. Regna attaching information which, according to the letter, "clearly indicates that the landfill was indeed an active industrial and hazardous waste disposal facility, receiving from time to time various wastes from a wide range of industrial generators prior to the November 19, 1980 date...." The letter further stated that "(s)ome of the wastes deposited include treatment sludges, PCB contaminated oils, chlorinated hydrocarbon sludges, spent caustic, asbestos and heavy metal plating wastes.";
 - c. a July 20, 1982 EQB certification, made to Carlos Romero-Barcelo, the Governor of Puerto Rico, that the facility was authorized to receive hazardous waste prior to November 19, 1980;
 - d. a July 30, 1982 letter from Hactor Reichard de Cardona, the Attorney General of Puerto Rico, to Jacqueline Schafer, the Regional Administrator, stating that " ... from November 13, 1980 to the present the entire Ponce Landfill has received Hazardous and Non-Hazardous Wastes...."; and
 - e. a chart taken from a Report of Investigations Co-Disposal Area and Closure Activities Associated with SK & F Surface Impoundment Area, dated May, 1984, depicting three possible hazardous waste areas in the co-disposal area.

BFI must clarify these letters in terms of:

- which specific areas they are referring to;
 - what waste types they are referring to (e.g., F002, F006, D001 etc.); and
 - when, and in what quantities, the wastes referred to were disposed.
3. An explanation as to why CECOS did not abide by the loss of interim status ("LOIS") requirements set forth in Section 3005(e)(2) of RCRA, as amended.
 4. Having failed to meet the LOIS requirements, an explanation why CECOS did not submit a closure plan for the co-disposal area.
 5. A schedule for compliance with the closure and post-closure requirements of 40 C.F.R. Part 264, including groundwater monitoring for the co-disposal area. BFI does not presently have an adequate groundwater monitoring system at any of its units. The compliance schedule should provide dates for various milestones such as the submittal of a closure plan, the submittal of a groundwater monitoring plan, the implementation of closure etc. Please note that the entire co-disposal area will have to be closed if the hazardous waste areas cannot be clearly delineated.

If you have any questions regarding the above, please do not hesitate to contact Mr. Douglas Pocze of the Air and Waste Management Division at (212) 264-8690.

Sincerely yours,

Stanley Siegel, Chief
Hazardous Waste Facilities Branch

cc: Flor del Valle, EQB

bcc: Douglas Pocze, 2AWM-HWF
Joel Golumbek, 2AWM-HWC
John Gorman, 2AWM-HWF
Steve Knight, AWM-CFS ✓
Pedro A. Gelabert, CFO
Amy Chester, 2WTS-ORC

EPA Meeting w/ Ponce Landfill 5/24/88

| Name | Position | Telephone No. |
|-------------------------|---|----------------|
| Amy Chester | EPA attorney | 212 264-3348 |
| Stephen Knight | EPA Hydrologist | 212 264-2109 |
| Angel Clary | Chief, H ^{Caribbean} Facilities Section | 212-264-9628 |
| STANLEY SYGEL | Chief, Haz. Waste Facilities Br. | 212-264-0505 |
| Nouglas POCZE | EPA, HWFB | 212-264-8690 |
| JOHN GORMAN | EPA, HWFB | 212-264-9631 |
| Josi A. Cepeda | Co. Huron & Antouette | 809-721-2424 |
| Rick Good | BFI Ponce P.R. | 809-848-7770 |
| Guillermo de Guzmán | Cancio, Nadal & Rivera / Ponce | 809-767-9625 |
| MIKE LAWLER | BFI Houston | 713-870-7194 |
| Marina Liacouras Bouley | BFI Houston | (713) 870-7059 |
| BRUCE JERNIGAN | BFI Houston | (713) 870-7092 |